

**REMARKS**

In the Office Action, the Examiner objected to claim 11, rejected claims 1-10, 12-18, and 25-32, and allowed claims 19-24. By this paper, Applicants have amended claims 7, 8, 10, 12, 13, 15, 16, 19, and 29 to expedite allowance of the present application. These amendments do not add any new matter. Upon entry of these amendments, claims 1-32 are pending in the present application and are believed to be in condition for allowance. In view of the foregoing amendments and the following remarks, Applicants respectfully request reconsideration and allowance of all pending claims.

**Allowable Subject Matter**

In the Office Action, the Examiner allowed claims 19-24 and indicated that claim 11 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicants would like to thank the Examiner for allowing claims 19-24 and indicating that claim 11 would be allowable in independent form. However, in view of the amendments set forth above and the arguments presented below, Applicants respectfully assert that all of the pending claims are in condition for allowance.

**Claim Rejections under 35 U.S.C. § 112, Second Paragraph**

In the Office Action, the Examiner rejected claim 29 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. In particular, the Examiner alleged that “[t]he meaning of ‘recalibrating at least one of a plurality of parameters associated with a wake-up

circuit to be within a predetermined limit' is unclear." Office Action, page 2. Although Applicants believe that claim 29, as originally presented, was sufficiently clear and definite, in the interest of furthering prosecution of the present application, Applicants have amended claim 29 to recite "recalibrating an output voltage associated with a wake-up circuit, so that the output voltage is within a predetermined limit." This clarification does not add any new matter and does not alter the scope of claim 29. In view of the amendment to claim 29, Applicants respectfully request withdrawal of the Section 112 rejection of claim 29.

#### **Claim Rejections under 35 U.S.C. § 102**

In the Office Action, the Examiner rejected claims 7, 10, 12-14, 16-18, and 25-31 under 35 U.S.C. § 102(b) as being anticipated by van Dinteren et al. (U.S. Patent No. 5,909,093, hereafter referred to as "the van Dinteren reference"). Applicants respectfully traverse this rejection.

#### ***Legal Precedent***

Anticipation under Section 102 can be found only if a single reference shows exactly what is claimed. *See Titanium Metals Corp. v. Banner*, 227 U.S.P.Q. 773 (Fed. Cir.1985). For a prior art reference to anticipate under Section 102, every element of the claimed invention must be identically shown in a single reference. *See In re Bond*, 15 U.S.P.Q.2d 1566 (Fed. Cir.1990). That is, the prior art reference must show the *identical invention "in as complete detail as contained in the ... claim"* to support a *prima facie* case of anticipation. *Richardson v. Suzuki Motor Co.*, 9 U.S.P.Q. 2d 1913, 1920 (Fed. Cir. 1989) (emphasis added). Thus, for anticipation,

the cited reference must not only disclose all of the recited features but must also disclose the *part-to-part relationships* between these features. *See Lindermann Maschinenfabrik GMBH v. American Hoist & Derrick*, 221 U.S.P.Q. 481, 486 (Fed. Cir.1984). Accordingly, Applicants need only point to a single element or claimed relationship not found in the cited reference to demonstrate that the cited reference fails to anticipate the claimed subject matter. A *strict correspondence* between the claimed language and the cited reference must be established for a valid anticipation rejection.

Moreover, Applicants submit that, during patent examination, the pending claims must be given an interpretation that is *reasonable* and *consistent* with the specification. *See In re Prater*, 162 U.S.P.Q. 541, 550-51 (C.C.P.A. 1969); *In re Morris*, 44 U.S.P.Q.2d 1023, 1027-28 (Fed. Cir. 1997); see also M.P.E.P. § 2111 (describing the standards for claim interpretation during prosecution). Indeed, the *specification* is “the primary basis for construing the claims.” *See Phillips v. AWH Corp.*, No. 03-1269, -1286, at 13-16 (Fed. Cir. July 12, 2005) (citations omitted). It is usually dispositive. *See id.* Interpretation of the claims must also be consistent with the interpretation that those skilled in the art would reach. *See In re Cortright*, 49 U.S.P.Q.2d 1464, 1468 (Fed. Cir. 1999); *see also* M.P.E.P. § 2111. That is, recitations of a claim must be read as they would be interpreted by those of ordinary skill in the art. *See Rexnord Corp. v. Laliram Corp.*, 60 U.S.P.Q.2d 1851, 1854 (Fed. Cir. 2001); *see also* M.P.E.P. § 2111.01. In summary, an Examiner, during prosecution, must interpret a claim recitation as one of ordinary skill in the art would reasonably interpret the claim in view of the specification. *See In re American Academy of Science Tech Center*, 70 U.S.P.Q.2d 1827 (Fed. Cir. 2004).

***Independent Claims 7, 13, 19, 25, and 29***

Applicants respectfully assert that the van Dinteren reference does not anticipate independent claims 7, 13, 19, 25, and 29, because the van Dinteren reference does not disclose several features of the present claims. For example, independent claim 7, as amended, recites recalibrating “the *voltage* if the response is not within the predetermined limit.” (Emphasis added). Independent claim 13, as amended, recites “a routine for recalibrating the *voltage* if the response is not within the predetermined limit.” (Emphasis added). Independent claim 25, as amended, recites recalibrating “the *voltage* if the response exceeds at least one of a plurality of predetermined limitations.” (Emphasis added). Independent claim 29, as amended, recites “recalibrating an *output voltage* associated with a wake-up circuit, so that the *output voltage* is within a predetermined limit.” (Emphasis added).

In sharp contrast, the van Dinteren reference discloses a system for remotely controlling window blinds. Van Dinteren, col. 4, lines 23-31; *see also* Fig. 1. Although this remote control window blind system does include a wake-up circuit 54, unlike the recited claim features, this wake-up circuit 54 varies a *pulse width time*  $T_c$  to calibrate the wake-up circuit 54. van Dinteren, col. 8, lines 29-40. More specifically, as stated in the van Dinteren reference “[b]y adjusting the *pulse width* of the charging pulse 109, the wake-up time  $T_w$  may be compensated to maintain it at a constant value of for instance 750 ms.” *Id.* (emphasis added). For example, the “pulse width  $T_c$  can be varied with incremental steps  $n\Delta T_n$  which may be for instance 16 steps of 96  $\mu s$  each.” *Id.* (emphasis added). In other words, the wake-up circuit 54 in the van Dinteren reference works by

adjusting the length of the pulse  $T_c$  and *not* by varying the voltage level of the pulse. *See id.* As such, Applicants respectfully assert that the van Dinteren reference does not disclose the above-recited features of independent claims 7, 13, 19, 25, and 29, as amended. Accordingly, Applicants respectfully request withdrawal of the pending Section 102 rejection and allowance of these claims and the claims that depend therefrom.

### ***Claim 12***

While Applicants respectfully submit that each of the claims dependent on independent claim 7 is allowable for the reasons set forth above, Applicants would like to specifically address an additional point regarding dependent claim 12, which depends from independent claim 7. As described above, the Examiner rejected dependent claim 12 under 35 U.S.C. § 102(b) as being anticipated by the van Dinteren reference. Dependent claim 12, as amended, recites the automotive control system, as set forth in claim 7, “wherein the wake-up circuit comprises ... a second resistor having a third terminal coupled *directly* to the second terminal.” (Emphasis added). The van Dinteren reference, in sharp contrast, fails to disclose this feature of claim 12. *See* van Dinteren, Fig. 6. More specifically, in the Office Action, the Examiner presents resistor 104 from the van Dinteren reference as being equivalent to the second resistor from claim 12. Office Action, page 4. However, by the Examiner’s own admission, resistor 104 is coupled to the alleged second terminal “*via* resistor 105.” *Id.* (emphasis added). As such, by the Examiner’s own admission, the van Dinteren reference cannot disclose “a second resistor having a third terminal coupled *directly* to the second terminal,” as recited in dependent claim 12, as amended. (Emphasis added). Accordingly,

Applicants respectfully request withdrawal of the pending Section 102 rejection and allowance of dependent claim 12.

**Claim Rejections under 35 U.S.C. § 103(a)**

In the Office Action, the Examiner rejected claims 1-6 under 35 U.S.C. § 103(a) as being unpatentable over Christenson (U.S. Patent No. 5,933,090, hereafter referred to as “the Christenson reference”) in view of the van Dinteren reference. In addition, the Examiner also rejected claims 8, 9, and 15 under 35 U.S.C. § 103(a) as being unpatentable over the van Dinteren reference and rejected claim 32 under 35 U.S.C. § 103(a) as being unpatentable over the van Dinteren reference in view of Culbert (U.S. Patent No. 5,771,180, hereafter referred to as “the Culbert reference”). Applicants respectfully traverse these rejections.

***Legal Precedent***

The burden of establishing a *prima facie* case of obviousness falls on the Examiner. *Ex parte Wolters and Kuypers*, 214 U.S.P.Q. 735 (B.P.A.I. 1979). Obviousness cannot be established by combining the teachings of the prior art to produce the claimed invention absent some teaching or suggestion supporting the combination. *ACS Hospital Systems, Inc. v. Montefiore Hospital*, 732 F.2d 1572, 1577, 221 U.S.P.Q. 929, 933 (Fed. Cir. 1984). The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. *In re Mills*, 916 F.2d 680, 16 U.S.P.Q.2d. 1430 (Fed. Cir. 1990). Accordingly, to establish a *prima facie* case, the Examiner must not only show that the combination includes *all* of the claimed elements, but also

a convincing line of reason as to why one of ordinary skill in the art would have found the claimed invention to have been obvious in light of the teachings of the references. *Ex parte Clapp*, 227 U.S.P.Q. 972 (B.P.A.I. 1985).

Moreover, for the teachings of a reference to be prior art under 35 U.S.C. §103, there must be some basis for concluding that the reference would have been considered by one skilled in the particular art working on the particular problem with which the invention pertains. *In re Horne*, 203 U.S.P.Q. 969, 971 (C.C.P.A. 1979). Non-analogous art cannot properly be pertinent prior art under 35 U.S.C. § 103. *In re Pagliaro*, 210 U.S.P.Q. 888, 892 (C.C.P.A. 1981). The determination of whether a reference is from a non-analogous art is set forth in a two-step test given in *Union Carbide Corp. v. American Can Co.*, 724 F.2d 1567, 220 U.S.P.Q. 584 (Fed. Cir. 1984). In *Union Carbide*, the court found that the first determination was whether “the reference is within the field of the inventor’s endeavor.” If it is not, one must proceed to the second step “to determine whether the reference is reasonably pertinent to the particular problem with which the inventor was involved.” In regard to the second step, *Bott v. Fourstar Corp.*, 218 U.S.P.Q. 358 (E.D. Mich. 1983) determined that “analogous art is that field of art which a person of ordinary skill in the art would have been apt to refer in attempting to solve the problem solved by a proposed invention.” “To be relevant the area of art should be where one of ordinary skill in the art would be aware that similar problems exist.” *Id.*

***Claims 1-6***

As stated above, the Examiner rejected claims 1-6 as being obvious over the Christenson reference in combination with the van Dinteren reference. In particular, the Examiner stated that:

Referring to claim 1, Christenson's vehicle remote control system, as shown I Fig. 1, comprises: (a) a vehicle (see Col. 3, lines 276-29); and (b) receiver 13 (i.e., control system) located in the vehicle and having a processor 26 and a wake-up circuit coupled to the processor (see Col. 3, lines 30-35 and Col. 5, lines 1-3). Christenson's processor 26 lacks a program for (1) providing a voltage to the wake-up circuit for a first time period once an interrupt is received by the processor; (2) monitoring the wake-up circuit for a second time period; and (3) recalibrating the wake-up circuit if a response of the wake-up circuit exceeds at least one predetermined limit.

In an analogous art, van Dinteren teaches a control system, as explained in the previous rejection of 7, comprising all the limitations of the control system called for in claim 1, including a program used by processor unit 53, wherein the program enables processor unit 53 to (1) apply charging pulse 109 to wake-up unit 54 for a pulse width (see Col. 2, lines 29-44; Col. 6, lines 20-23; and Col. 8, lines 1-8 and 29-32); (2) measure/monitor wake-up unit 54 during the time between the arrival of charging pulse 109 at wake-up unit 54's capacitive elements and the moment when output 111 is detected (i.e., a second time period) (see Col. 2, lines 44-49 and Col. 8, lines 29-36); and 93) recalibrating pulse width  $T_c$  if the response is exceeds the predetermined limit (see Col. 2, lines 49-54 and Col. 8, lines 33-36).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Christenson's vehicle remote control system as taught by van Dinteren because regular calibration of an inexpensive wake-up circuit compensates for the intrinsic inaccuracies of the wake-up circuit's components, thereby making the wake-up circuit reliable



and accurate despite the use of cheap components (see van Dinteren, Col. 2, lines 16-18).

Office Action, pages 7-8.

Applicants respectfully traverse this rejection. In particular, Applicants respectfully assert that the van Dinteren reference is not analogous to the presently claimed subject matter. In particular, Applicants assert that there is no basis for concluding that a person of ordinary skill in the *automotive* arts would consider looking to the art of *window blind design* for any reason. This is evident from an application of the *Union Carbide* test to the present facts. As described above, the first step in the two-step *Union Carbide* test is to determine whether “the reference is within the field of the inventor’s endeavor.” In this case, the inventor’s field of endeavor relates to the design of cars and other automotive vehicles. In sharp contrast, the van Dinteren reference is related to residential or commercial window blinds. Because automobiles and property fixtures are clearly not in the same field, we must go to the second step of the *Union Carbide* test.

In regard to the second step, there is absolutely no evidence that one of ordinary skill in the art of automotive design would be aware that similar problems may or may not exist in the art of window blinds. As the Examiner is aware, a large percentage of modern automobiles employ remote control systems for a wide variety of tasks, such as locking and unlocking doors. In examining ways to reduce the cost of automotive remote control systems, one is not likely to analogize the operation of a highly mobile motor vehicle with the operation of a stationary commercial or residential fixture, such as a window blind. The likelihood of such an analogy is

further eroded when it is noted that automotive control systems are designed to function properly in a wide variety of climates and terrain while both stationary and moving. On the contrary, window blinds remain stationary in a relatively fixed climate (e.g., inside a building). As such, automobile design is simply not analogous to window blind design, and a person of ordinary skill in the art of automotive design would clearly not look to window blind design to find ways to reduce the cost of automotive remote control systems. Accordingly, Applicants respectfully submit that the van Dinteren reference is not properly prior art to the present application under 35 U.S.C. § 103 and respectfully requests withdrawal of the Examiner's rejection and allowance of claims 1-6.

***Claims 8, 9, and 15***

Applicants respectfully assert that the Examiner has not established a *prima facie* case of obviousness with regard to claims 8, 9, and 15. As stated above, the Examiner rejected claims 8, 9, and 15 as obvious over the van Dinteren reference. However, as described above, the van Dinteren reference clearly does not disclose those claim features attributed to it by the Examiner. In view of this deficiency, the Examiner's Section 103 rejections of claims 8, 9, and 15, which are based upon the Examiner's mistaken interpretation of the van Dinteren reference, cannot establish a *prima facie* case of obviousness. As such, Applicants respectfully request withdrawal of the Section 103 rejections of claims 8, 9, and 15.

***Claim 32***

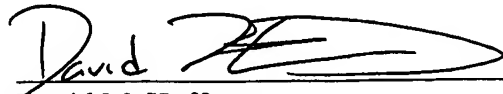
Applicants respectfully assert that the Examiner has not established a *prima facie* case of obviousness with regard to claim 32. As stated above, the Examiner rejected claim 32 as obvious over the van Dinteren reference in view of the Culbert reference. However, as described above, the van Dinteren reference clearly does not disclose those claim features attributed to it by the Examiner. In view of this deficiency, the Examiner's Section 103 rejection of claim 32, which is based upon the Examiner's mistaken interpretation of the van Dinteren reference, cannot establish a *prima facie* case of obviousness. As such, Applicants respectfully request withdrawal of the Section 103 rejections of claim 32.

**Conclusion**

Applicants respectfully submit that all pending claims should be in condition for allowance. However, if the Examiner wishes to resolve any other issues by way of a telephone conference, the Examiner is kindly invited to contact the undersigned attorney at the telephone number indicated below.

Respectfully submitted,

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